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9 Attorneys for Plaintiffs,
10 UMG RECORDINGS, INC.; CAPITOL
11 RECORDS, INC.; BMG MUSIC;
12 ATLANTIC RECORDING
13 CORPORATION; ELEKTRA
14 ENTERTAINMENT GROUP INC.; SONY

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 UMG RECORDINGS, INC., a Delaware
19 corporation; CAPITOL RECORDS, INC., a
20 Delaware corporation; BMG MUSIC, a New
21 York general partnership; ATLANTIC
22 RECORDING CORPORATION, a Delaware
23 corporation; ELEKTRA ENTERTAINMENT
24 GROUP INC., a Delaware corporation; SONY
25 BMG MUSIC ENTERTAINMENT, a Delaware
26 general partnership; and INTERSCOPE
27 RECORDS, a California general partnership,
28 Plaintiffs,

v.

JOHN DOE #3,
Defendant.

CASE NO. 3:07-CV-04852-VRW

Honorable Vaughn R. Walker

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
 2 currently set for January 3, 2008, at 3:30 p.m. to April 3, 2008. Plaintiffs have not requested, and the
 3 Court has not granted, any previous continuance of this case management conference. There is not
 4 yet a named defendant in this case.

5 Plaintiffs filed the Complaint against Defendant John Doe #3 (“Defendant”) on September
 6 20, 2007. Also on September 20, 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take
 7 Immediate Discovery seeking the Court’s permission to serve a Rule 45 subpoena on San Francisco
 8 State University (“SFSU”), so that Plaintiffs could obtain information sufficient to identify
 9 Defendant. On October 1, 2007, this Court issued its Order Granting Plaintiffs’ *Ex Parte*
 10 Application for Leave to Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45
 11 subpoena on SFSU. On November 16, 2007, SFSU responded to Plaintiffs’ subpoena, providing
 12 Plaintiffs with identifying information including Defendant’s name, telephone number, and address.

13 After learning Defendant’s identity, Plaintiffs sent a letter to Defendant on November 28,
 14 2007 in hopes of resolving this dispute without further litigation. Plaintiffs have made further
 15 attempts to contact Defendant since that time, but have been informed that Defendant may be
 16 traveling abroad. If Plaintiffs are unable to contact Defendant and resolve the dispute, Plaintiffs plan
 17 to file an amended complaint naming Defendant personally.

18 Given the foregoing circumstances, and because there is not yet a named defendant in this
 19 case, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully
 20 request that the Court continue the case management conference currently set for January 3, 2008, at
 21 3:30 p.m. to April 3, 2008.

22 Dated: December 20, 2007

HOLME ROBERTS & OWEN LLP

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 24 By: /s/ Matthew Franklin Jaksa
 25 MATTHEW FRANKLIN JAKSA
 26 Attorney for Plaintiffs
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1 **ORDER**
2

3 Good cause having been shown:
4

5 **IT IS ORDERED** that the case management conference currently set for January 3, 2008, at
6 3:30 p.m. be continued to April 3, 2008.
7

8 Dated: 12/27/2007 _____
9

10 By:

